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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,266	12/06/2001	Krishnamachari Gopalan	85939.000235	5634

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EXAMINER

PATTERSON, MARC A

ART UNIT PAPER NUMBER

1772

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,266

Applicant(s)

GOPALAN, KRISHNAMACHARI

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 63-97 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 63-97 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/8/02</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 74, 80 – 81, 86 and 92 – 93 are rejected under 35 U.S.C. 102(b) as being anticipated by King (U.S. Patent No. 5,622,008).

With regard to Claims 74, 80 – 81, 86 and 92 – 93, King discloses an automotive weatherseal (weatherstrip; column 3, lines 3 – 5) comprising an elastomeric material comprising ethylene, propylene and diene monomers (therefore EPDM; column 4, lines 46 – 50) that is coextruded from a plurality of extruders through a single die (column 4, lines 46 – 50) therefore forming a multilayer structure comprising the elastomeric material; the material is also coextruded with metal reinforcement strips (column 4, lines 54 – 55) and is subsequently cured with sulfur and/or organic peroxide (column 4, lines 59 – 61); the weatherseal therefore comprises a metal reinforcement, an uncured peroxide curable bonding veneer comprising the elastomeric material directly bonded to a portion of the metal, and an uncured sulfur curable, therefore non – peroxide curable, rubber layer comprising the elastomeric material on a portion of the uncured peroxide curable bonding veneer.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 63 – 73, 75 – 79, 82 – 85, 87 – 91 and 94 – 97 are rejected under 35 U.S.C. 103(a) as being unpatentable over King (U.S. Patent No. 5,622,008) in view of Drake et al (U.S. Patent No. 5,521,248).

King discloses a multilayer structure comprising a peroxide curable and sulfur curable rubber layer comprising EPDM bonded to metal as discussed above. With regard to Claims 63 – 73, 75 – 79, 82 – 85, 87 – 91 and 94 – 97, King fails to disclose a peroxide curable layer comprising maleinated polybutadiene and methacrylate and directly contacting and encapsulating the sulfur curable layer and encapsulating the metal reinforcement and a metal reinforcement comprising aluminum and an insulating filler to reduce galvanic corrosion.

Drake et al teach a peroxide curable layer (column 2, lines 45 – 58) comprising maleinated polybutadiene (column 8, lines 66 – 67) and methacrylate (column 4, line 17) and directly contacting and encapsulating a sulfur curable layer and encapsulating a metal reinforcement (the layer is flowable over the substrates, and therefore encapsulates the substrates; column 6, lines 45 – 47) and a metal reinforcement comprising aluminum (column 7, lines 7 – 18) and an insulating filler to reduce galvanic corrosion (carbon black; column 5, lines 35 – 37) in the making of a multilayer structure comprising a peroxide curable rubber layer comprising EPDM (column 6, lines 63 – 66) for the purpose of obtaining a multilayer structure having improved adhesion (column 1, lines 15 – 17). Therefore, one of ordinary skill in the art would have recognized the advantage of providing for a peroxide curable layer comprising maleinated polybutadiene and methacrylate and directly contacting and encapsulating a sulfur

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curable layer and encapsulating a metal reinforcement comprising aluminum of Drake et al in King, which is a multilayer structure comprising a peroxide curable rubber layer comprising EPDM, depending on the desired adhesion of the end product as taught by Drake et al.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a peroxide curable layer ^{of Drake et al.} comprising maleinated polybutadiene and methacrylate and directly contacting and encapsulating a sulfur curable layer and encapsulating a metal reinforcement and an insulating filler comprising aluminum in King in order to obtain a multilayer structure having improved adhesion as taught by Drake et al.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (571) 272 – 1497. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571) 272 – 1498. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

Marc Patterson
Art Unit 1772

Harold Pyon
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

6/21/04